

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 5/27/08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH PROBATE

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01615

CASE NAME: ESTATE OF KIRK SALISBURY

HEARING:
Accounting Review

COUNSEL:
MARIAH SALISBURY (PET)...DENNIS B. LIPPITT
KIRK SALISBURY (DEC)...

GENERAL INFORMATION:

Continued from 4/15/08 as Court informs counsel that the faxed copy is not sufficient and orders a proper waiver of account or status report to be filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700029

CASE NAME: CAROL VIVONIA

HEARING:
Accounting Review

COUNSEL:
VALERIE THOMAS (PET)...LAW OFFICES OF RIPLEY & ASSC.
CAROL VIVONIA (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters of administration issued 3/27/07, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700034

CASE NAME: KELESE FALCON

SEE ALSO 4 16 16A
XREF RC00513

HEARING:
Accounting Review

COUNSEL:
PFF BANK & TRUST (PET)...RANDOLPH M SHARON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 4/3/07 court approved the 1st account of the Falcon SNT; 2nd account now due.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700035

CASE NAME: KIERRA FALCON

SEE ALSO 3 16 16A
XREF RC00513

HEARING:
Accounting Review

COUNSEL:
PFF BANK & TRUST (PET)...RANDOLPH M SHARON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 4/3/07 court approved the 1st account of the Falcon SNT; 2nd account now due.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700235

CASE NAME: NORMA JEAN WILLS

HEARING:

Petition for PAYMENT OF STATUTORY AND EXTRAORDINARY EXECUTOR'S
FEES, ETC.

COUNSEL:

DANIEL J LARSON	(PET)...	LEAH CLIFTONCALICA
NORMA JEAN WILLS	(DEC)...	
JAMES L WILLIS	(PET)...	SPRINGER & POLLOCK

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final
distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner and Attorney request statutory fees of \$6,409.00. However, the base amount used in the calculation includes the amount of funds advanced by the petitioner. Statutory fees are based on the appraisal value plus/minus the gain/loss on sale of property. Need verified supplement showing the authority to include funds advanced in the calculation of statutory fees. Alternatively, Court may wish to allow statutory fees in the amount of \$6,100.00.
2. Petitioner requests extraordinary compensation in the amount of \$1,250.00 for time spent removing furnishings and personal items, preparing the real property for sale, and the sale of the real property. Billing is based on a rate of \$50/hour for 25 hours work. JTD
3. Petitioner requests reimbursement of \$9,359.35 for costs advanced. Petitioner states that all such expenses are listed on schedule "B". However, the schedule of disbursements does not state which items were paid for by petitioner. Need verified supplement itemizing the reimbursement costs.
4. Attorney requests extraordinary fees of \$2,137.50 for services involving the sale of real property which is the estate's only asset. Billing is based on a rate of

\$225/hour for 9.5 hours. The court will generally not consider awarding extraordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker's Estate (1963) 221 Cal. App. 2d 792).
File verified supplement.

5. Attorney requests reimbursement of \$225.00 for costs advanced in the administration of the estate. Itemized.
6. Need copies of escrow closing statement per local rule 20-910.
7. Petitioner proposes distribution in accordance with the original typed intent of decedent's will. The will contains a substantive holographic portion interlineated within the formal will, which appears to be a detriment to petitioner. On 6/27/07, one of the beneficiaries, James Willis, filed an application for order determining whether proposed action constitutes will contest and on 8/29/07 the court granted the ordered that the proposed action to declare the holographic portion of the will as void or unenforceable does not constitute a will contest. However, no petition to void the holographic portion of the will was filed. Question if the holographic portion of the will should be followed as a codicil to decedent's will?
Need verified supplement.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge for **6/9/09**.

(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700457

CASE NAME: ROBERT S NOVIKOFF

SEE ALSO 24
XREF SMCRS080406

HEARING:
Hearing Re: Status.

COUNSEL:
NADIA M.A. NOVIKOFF (PET)...LAYNE A BARTHOLOMEW
ROBERT S NOVIKOFF (DEC)...

No calendar notes as this is on for Status.

Future hearing dates: court trial 6/17/08
Accounting review 9/2/08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700579

CASE NAME: MTR OF CATHERINE ANNE HOGAN

HEARING:
Waiver of account and for final distribution.

COUNSEL:
TERRENCE R HOGAN (PET)...PRO/PER
CATHERINE ANNE HOGAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All heirs waive an accounting
2. Petitioner waives compensation. Petitioner is in pro-per and no attorney fees requested.
3. Petitioner requests to withhold \$1,000 for closing expenses.
4. Graduated filing fee schedule filed showing overpayment of fees. Petitioner requests refund to the estate. The correct amount of the refund is \$165.00 (not \$100.00 as requested). Did court wish to require a verified supplement requesting the correct amount of reimbursement due? JTD
5. Proposed order was returned for correction on 5/13/08. Submit order after hearing.

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for **6/9/09**.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700723

CASE NAME: LORRAINE MARY JENSEN

HEARING:

WAIVER OF Account and Report of DAVID J MACNEIL and Petition for allowance of fees filed.

COUNSEL:

DAVID J MACNEIL (PET)...YOUNG HENRIE HUMPHRIES & MASON
LORRAINE M JENSEN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All heirs waive an accounting.
2. Statutory fees are \$8,584.01. Petitioner waives compensation.

RECOMMENDATION:

If approved, court to set hearing re filing receipts and final discharge for **6/9/09**.

(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700745

CASE NAME: SAMMIE RAY MALONE

HEARING:

Hearing Re: REPORT OF SPECIAL ADMIN & PETITION FOR SETTLEMENT.

COUNSEL:

RICHARD M HARMON	(PET)...HORSPOOL & PARKER
SAMMIE RAY MALONE	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Report of Special Administrator and Petition for its settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner served as special administrator from 8/2/07 – current date. Petitioner originally had filed a Petition for General Letters of Administration originally calendared for 9/10/07. The petition has not been heard and petitioner requests that the petition be withdrawn.
2. Petitioner alleges that after an extensive investigation, there are no assets subject to probate administration. Petitioner request the estate be closed and petitioner be discharged upon his submitting an ex parte declaration for final discharge.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing final discharge for 6/9/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700746

CASE NAME: HOLLIDAY GIORDANO

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
EDNA JEMISON (PET)...BANKS GARCIA & JANIS
HOLLIDAY GIORDANO (DEC)...

GENERAL INFORMATION:

Continued from 04/17/08 at request of Court. Need copy of bank statements. There being no appearance, notice was given by courtroom clerk. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory filed 2/14/08. However, need copy of bank statements to support date of death balances per local rule 20-908.

RECOMMENDATION:

Need copy of bank statements.
(gl/cbr)

Future hearing dates:
Accounting Review 12/11/08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700965

CASE NAME: EDWARD MORALES RODRIGUEZ

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARTHA R. CRUZ (PET)...LAW OFFICES OF ROBERT L. COHEN
RUDOLPH ARELLANEZ JR (PET)...LAW OFFICES OF ROBERT L. COHEN
EDWARD MORALES RODRIGUEZ (DEC)...

GENERAL INFORMATION

Letters of Administration issued on 11/29/07, full authority no bond.

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No Inventory and Appraisal filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. No bond company to notice.
(cbr)

Future hearing dates: Accounting Review 01/27/09.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800169

CASE NAME: CHARLES L. RUDY

HEARING:

Petition for Probate, Letters of Tstmnty with full authority under IAEA.

COUNSEL:

FAITH WALKER	(PET)...IGNAZIO
CHARLES L RUDY	(DEC)...

GENERAL INFORMATION

Continued from 04/15/08 at request of counsel to file proof of publication.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. All heirs waive bond.
3. Petitioner checked section 7(b) in petition regarding issue of predeceased parents. However, there are no issues of predeceased parents listed in section 9 of the petition. **Supp: Petitioner states that there is a sister of the decedent that was accidentally omitted from section 9. Need Notice of Petition to administer and proof of service on sister, Marilyn Domovich.**

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 01/06/09. Set hearing for filing of accounting and/or status report for 08/11/09. Any accounting to be filed 30 days in advance.

(/NMT/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800177

CASE NAME: SARAH GUTIERREZ

HEARING:
Petition for ORDER AUTHORIZING PARTICULAR TRANSACTIONS

COUNSEL:
JESSE C. GUTIERREZ (PET)...WILKINSON & WILKINSON
SARAH GUTIERREZ (INC)...

GENERAL INFORMATION: **continued from 4/15/08 for review of supplement.**

THIS CASE IS SET FOR HEARING ON Petition for Order Authorizing Particular Transactions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This appears to be a Medi-Cal planning transaction.
2. The petitioner fails to state the length of his marriage to respondent. However there are allegations in the petition that the parties entered into an oral agreement to transmute all property to community property prior to 1-1-85. The husband is the well spouse. He is 88 years old. Petitioner alleges that ill spouse lacks capacity to make the transmutation. The ill spouse is 82. Ill spouse is residing at the Inland Valley Rehabilitation Center and her condition is such that it is likely that she will need institutionalized skilled nursing care for the rest of her life. Well spouse proposes to transfer community residence and all community assets to himself as his sole and separate property.
3. See capacity declaration at Exhibit A regarding ill spouse. Capacity declaration establishes ill spouse's inability to attend the hearing.
4. Return of citation filed.
5. The court does have the discretion to appoint Public Administrator, Public Guardian or a guardian ad litem to represent the interests of the ill spouse if the court is so inclined. Pr.C. § 3140(b). Judge to decide.
6. In reviewing the rules for Medi-Cal transfers of exempt property it would appear that there needs to be a statement that the ill spouse intends to return to the residence

if he should ever be able and that the well spouse will permit this. See C.E.B. Elder Law Resources, Benefits, and Planning: An Advocates Guide § 11.57. I find no such declaration in this petition. **Supp: petitioner alleges that the petition is brought to protect both spouses. The transfer of the asset will enable petitioner to use the economic value of the asset to care for both petitioner and respondent including if equity is needed to be taken from the real property it can be done with the well spouse's signature.**

7. It should be noted that if the court grants this petition upon the death of the ill spouse and the well spouse there will be no ability of Medi-Cal to recover expenses paid for the ill spouse during her life. The residence is an exempt asset and transfer is not required to effectuate Medi-Cal benefits.
8. Petitioner also requests that all non-exempt assets be transferred to the well spouse to allow the ill spouse to become Medi-Cal eligible.
9. Petitioner asks for a determination that the property transmuted to the petitioner is within his community spouse resource allowance. Petitioner alludes to points and authorities attached. There are no points and authorities attached. Petitioner mentions the "name on the check rule", but offers no authority for the rule. In the section requesting the determination the petitioner alleges that the community income is \$2,863.85. The MMMNA max for 2008 is \$2,610. Petitioner alleges that the community income exceeds the amount by \$355 per month. However, when the 2 figures are subtracted the difference comes to \$253.85, not \$355 as alleged. Petitioner then goes into an explanation of required spend downs, but does not make clear what it is that the petitioner is asking the court to do. **Supp: Petitioner is not requesting the court to increase MMMNA or CSRA, just to transmute all the community property to separate property because petitioner's wife cannot sign documents.**

RECOMMENDATION:

Court will have to determine if a Guardian ad litem will be appointed for the ill spouse. Court will need to make a finding that the ill spouse is unable to attend within the meaning of Pr.C. § 3141, based on a medical declaration. Capacity declaration would support such a finding. The court will also have to determine that the property is community property, one of the spouses lacks capacity for the transaction, the other spouse has capacity for the transaction, the ill spouse is unable to manage his/her financial resources and that the transaction is one that falls under Pr.C. § 3100 et seq. The court will have to determine if the transaction is appropriate.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800395

CASE NAME: SHEILA EDWARDS

HEARING:
Petition to determine succession to Real Property

COUNSEL:
SHEVA EDWARDS (PET)...ROLAND W HALL
KEVIN EDWARDS (PET)...ROLAND W HALL
CLARENCE EDWARDS (PET)...ROLAND W HALL

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The three petitioners each seek an undivided 1/3 interest in the decedent's 1/4 interest in real property located at 455 W. Palmer St., Compton, CA 90220.
2. The petitioners are the decedent's children. However, the petition states that there is a surviving spouse (Item 9a). Question whether the surviving spouse is still living. If so, Petitioners fail to set forth facts to support succession to the real property. Need to file verified supplement.
3. Need notice of hearing and proof of service on surviving spouse and any other heirs not listed, if applicable.

RECOMMENDATION
Need to clear notes.

(cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800401

CASE NAME: EUNICE MAE HOBSON

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

RAYMOND HOBSON (PET)...D. M. DAVIS
EUNICE MAE HOBSON (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Limited Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that no bond be required as petitioner will seek court approval to sell real property and therefore, no bond is required. However, petitioner is a non-resident and court has discretion to require bond per Pr.C. §8571. Real property is estimated at \$121,000. Does court wish to require bond? JTD
2. Need to file proof of publication

RECOMMENDATION

Need to clear note 1 Court's determination re bond. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 01/06/09. Set hearing for filing of accounting and/or status report for 08/11/09. Any accounting to be filed 30 days in advance.

(cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00513

CASE NAME: **MASTER FILE KELLEIGH TERRAN FALCON****
SEE ALSO 16A 3 4
SEE ALSO 700034/700035

HEARING:
Accounting Review

COUNSEL:
TERRENCE W BAKER (PET)...BUXBAUM & CHAKMAK
KELLEIGH TERRAN FALSON (PCE)...DONNASUE SMITH-ORTIZ
PFF BANK AND TRUST (P/C)...JEROLD V GOLDSTEIN

GENERAL INFORMATION:

2nd Account is due for the period: 1/1/07 – 12/31/07 on special needs trust

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RC RS00513

CASE NAME: **MASTER FILE KELLEIGH TERRAN FALCON****

SEE ALSO 16 3 4

SEE ALSO 700034/700035

HEARING:

Accounting Review

COUNSEL:

TERRENCE W BAKER (PET)...BUXBAUM & CHAKMAK
KELLEIGH TERRAN FALSON (PCE)...DONNASUE SMITH-ORTIZ
PFF BANK AND TRUST (P/C)...JEROLD V GOLDSTEIN

See prior notes (matter 16)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS00783

CASE NAME: ESTATE OF PATRICIA ANN SUBSARO

SEE ALSO 18

HEARING:

Hearing re Final Discharge

COUNSEL:

WILLIAM A SHANE (PET)...RALPH K HEKM AN
PATRICIA A SUBSARO (DEC)...

GENERAL INFORMATION NOTE CALENDAR PAGE IS WRONG. THIS IS NOT ON FOR FINAL DISCHARGE. MATTER IS ON FOR 3RD AND FINAL ACCOUNTING.

Continued from 2-20-07 to clear notes. Nothing new filed.

Continued from 4-24-07 to clear notes. Nothing new filed.

Continued from 6-26-07 to clear notes. Nothing new filed.

Continued from 8-21-07 to clear notes. Nothing new filed.

Continued from 10-30-07 at request of counsel. Counsel indicated that new claims had been filed. Nothing new filed.

Continued from 01/08/08 at request of counsel.

Continued from 3-25-08 at request of counsel to correct notes. Counsel filed another supplement on 3-25. Those notes will be addressed by in *italics*.

Last continued from 4/29/08 at request of counsel. A petition for instructions is also before the court (See matter 18)

THIS CASE IS SET FOR HEARING ON third and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There was an improper distribution from escrow to Vincent Palmeiri. Petitioner alleges that after investigation it was determined to be too costly to file litigation to attempt to recoup the money. Petitioner requests that the payment to Palmeiri be deemed a preliminary distribution and that it be deducted from his share of the estate. Please file verified supplement establishing the court's authority to take such action in the absence of a judgment. **Petitioner has filed a supplement. The**

supplement basically says that there was an improper distribution from National Consumers finance company to Vincent Palmieri for a loan against his inheritance, but that it would be too costly to pursue. He indicates that the other heirs feel that it should be offset against Mr. Palmieri's share of the estate. This does not address the issue before the court. What is the court's authority to take such action in the absence of a judgment? *In the second supplement the petitioner merely says that they are requesting the court order the charge against the distribution. This does not address the question of the original note. What is the court's authority to do this in the absence of a judgment?* SEE PETITION FOR INSTRUCTIONS (MATTER 18)

2. There are rejected claims that have not been resolved, but petitioner indicates that a request for a reserve for payment be established. However, I do not see this request in the prayer. There is a request to withhold \$2,000 for closing costs and the statement associated with that request indicates that one creditor's claim will be resolved. File verified supplement explaining. *In the second supplement petitioner indicates that claims have been reduced to less than \$3,500 and petitioner requests authority to withhold \$3,500 to resolve those claims. Such an action is permitted in the court's discretion by case and statutory authority.*
3. Petitioner requests that the claim of Mary Shane be approved. Claim is for funeral expenses totaling \$6,008.50. Petitioner requests that the claim be allowed and was allowed previously by the court as a late claim. Claim could be deemed a debt and petitioner has authority to pay it under IAEA authority per Pr.C. §10552. JTD
4. Petitioner indicates that she is owed \$13,857.68 in reimbursements. Itemized. JTD
5. Statutory fees are \$5,288.43.
6. Petitioner requests a \$3,500 reserve for closing costs.
7. File copy of bank statement supporting cash on hand.
8. File order after hearing.

RECOMMENDATION:

Need to clear notes 1 and 7. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-5-09.

(NMT/cbr/NMT/gls)

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS00783

CASE NAME: ESTATE OF PATRICIA ANN SUBSARO

SEE ALSO 17

HEARING:

Petition for FOR INSTRUCTIONS AND FOR ORDER AND JUDGMENT
CHARGING VINCENT PALMEIRI WITH IMPROPER ETC

COUNSEL:

WILLIAM A SHANE (PET)...RALPH K HEKM AN
PATRICIA A SUBSARO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Instructions and for Order and Judgment Charging Vincent Palmeiri with Improper Preliminary Distribution Against his distributive share

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner brings this petition to satisfy the notes in the preceding matter (set forth on page 17). Petitioner alleges that upon the sale of the house, the escrow improperly distributed the sum of \$11,128.18 to Vincent Palmeiri. Petitioner first sought to seek the court's approval to deem said distribution a preliminary distribution to offset the final distribution to Vincent Palmeiri in the Third and Final Report and Account (matter 17). The other beneficiaries also agreed. However, petitioner now requests instruction re the disposition of the improper distribution and request the court instruct the petitioner as to whether the \$11,128.18 should be deducted from Vincent Palmeiri's distributive share of the estate. Petitioner has previously investigated the feasibility of litigation of the issue with National Consumers Financial and recovery from Vincent Palmeiri but counsel concluded it would not be economically feasible for such litigation and the recovery from Vincent Palmeiri nil. Petitioner requests the court order that the sum of \$11,128.18 be charged to the distributive share of Vincent Palmeiri.

RECOMMENDATION:

Need notice and court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02671

CASE NAME: BETTY GENE GOTTFRIED

HEARING:

FIRST AND FINAL Account and Report of GREGORY T WHITE and
Petition for allowance of fees filed.

COUNSEL:

GREGORY T WHITE (PET)...WILKINSON & WILKINSON
BETTY GENE GOTTFRIED (DEC)...
PHIL R WHITE (OBJ)...FARMER & RIDLEY

GENERAL INFORMATION:

Continued from 4/15/08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has paid a filing fee of \$180.00 which fee is exempt under Gov. Code §70658(d). Court may wish to order reimbursement of fee.
2. Petitioner alleges that beneficiary, Georgianna White, decedent's sister, was living in decedent's home and after decedent's death, she conducted an estate sale (but prior to the commencement of the probate proceedings) and collected \$15,902. Additionally, Georgianna White sold decedent's antiques prior to the establishment of the probate and collected \$5,714.75. Petitioner requests that Georgianna White's share be surcharged in the total amount of \$21,616.75. JTD
3. Petitioner alleges that he prematurely advanced funds to himself from the estate account totaling \$42,739.49. Petitioner is entitled to a statutory commission of \$8,882.25 and reimbursement of the filing fee of \$281.50. These amounts deducted from \$42,739.49 would leave a balance of \$33,575.74 which should be surcharged from petitioner's share. Petitioner's share is equal to \$21,855.04. Therefore, he owes the estate \$15,411.10.

Petitioner proposes to sign a promissory note to the remaining four beneficiaries in the sum of \$3,852.77 each. How does petitioner arrive at these calculations? File verified supplement.

4. Attorney requests statutory compensation of \$8,882.25. Ok.
5. Attorney requests extraordinary fees of \$1,100.00 for services rendered in connection with the real property sale. Billed at \$275/hour for 4 hours. Itemized. JTD
6. Attorney requests reimbursement of costs of \$1,928.69. Itemized.
7. **Objections filed by heir/brother, Phil White.**

RECOMMENDATION:

Need verified supplement re note 3. Set for contested hearing.
(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02857

CASE NAME: **MASTER FILE PERCY & BELVA STILES TRUST**
SEE ALSO 21

HEARING:

Motion re: DISMISSAL UNDER 3.1385 + 3.1390 filed by Petitioner
BERT W HUMPHRIES JR

COUNSEL:

STEPHEN D STILES	(PET)...	OVERLAND BORENSTEIN SCHEPER &
BERT W HUMPHRIES JR	(CC)...	PRO/PER
BERT W HUMPHRIES JR	(APP)...	PRO/PER
BERT W HUMPHRIES JR	(APP)...	YOUNG HENRIE HUMPHRIES & MASON
MARILYN VARNEY	(OBJ)...	D. BRIAN REIDER
BERT W HUMPHRIES JR	(YOUNG HENRIE HUMPHRIES & MASON)...	YOUNG HEN
STEPHEN D STILES	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...
STEPHEN D STILES	()...
MARILYN VARNEY	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...
STEPHEN D STILES	()...
MARILYN VARNEY	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...

No calendar notes will be prepared. Judge to decide.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02857

CASE NAME: **MASTER FILE PERCY & BELVA STILES TRUST**

SEE ALSO 20

HEARING:

Motion re: MOTION TO STRIKE UNDER CC 1714.10(A)(B) filed by
Petitioner BERT W HUMPHRIES JR

COUNSEL:

STEPHEN D STILES	(PET)...	OVERLAND BORENSTEIN SCHEPER &
BERT W HUMPHRIES JR	(CC)...	PRO/PER
BERT W HUMPHRIES JR	(APP)...	PRO/PER
BERT W HUMPHRIES JR	(APP)...	YOUNG HENRIE HUMPHRIES & MASON
MARILYN VARNEY	(OBJ)...	D. BRIAN REIDER
BERT W HUMPHRIES JR	(YOUNG HENRIE HUMPHRIES & MASON)...	YOUNG HEN
STEPHEN D STILES	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...
STEPHEN D STILES	()...
MARILYN VARNEY	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...
STEPHEN D STILES	()...
MARILYN VARNEY	()...
MARK A BORENSTEIN	()...
JENNIFER W KENNEDY	()...

No calendar notes will be prepared. Judge to decide.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02935

CASE NAME: NICOLAS HARE SPECIAL NEEDS TRUST

HEARING:
SECOND Account and Report of GINA HARE and Petition for fees

COUNSEL:
GINA HARE (TEE)...VARNER & BRANDT, LLP
CLARENCE HARE (VARNER & BRANDT, LLP)...VARNER &

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Second accounting of special needs trust and petition for fees and authority to spend trust funds

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Special needs trust created in 2004, funded with proceeds from the compromise of a minor's claim.
2. Accounting period 11/10/05 to 11/9/07 (24 months).
3. Assets on hand \$746,329.25.
4. Petitioner seeks a continuation of the order allowing her \$4,000/mo from trust assets for the full time care of the minor beneficiary. JTD.
5. Atty requests \$5,730 fees. Itemized, based upon 31 hrs, atty at \$225-\$275/hr, paralegal at \$125/hr. JTD.
6. petitioner seeks court authority to make improvements to the residence for the disabled minor, including purchase of an in-ground therapy swim spa (\$29,210), upgrade of heating and air conditioning system (\$6,200), upgrade to electrical panel to accommodate the above-requested improvements (\$2,236.15), master bedroom and bathroom improvements/extensions (\$65,000), generator (\$2,000), special allowance for in-home maintenance and care (\$2,400 reimbursement and \$200/mo going forward), and partial reimbursement for washer and dryer already purchased (\$1,798). Total approximately \$109,000. JTD.

7. Disbursements show almost \$6k for motor home expenses (insurance, storage, DMV). A 6/6/06 order approving the first accounting (tabbed in file) allowed the purchase of the motor home by the trust but title was to be held by the trust. Disbursements do not show the purchase though the assets on hand reflect the trust owning a motor home. Need verified supplement.
8. Disbursements show reimbursements for vacations and \$150 for Disneyland tickets. Is trust paying for other people/family outings, and if so on what authority? Need verified supplement.
9. Need bank/investment statements per Local Rule 20-908.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02957

CASE NAME: JUAN SOTELO

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JULIO JIMENEZ	(PET)...JOHN L CASTILLO, CBS 63950
JUAN SOTELO	(DEC)...
DAVID ELIAS	(PET)...JOHN L CASTILLO, CBS 63950

GENERAL INFORMATION

Continued from 04/15/08. Inventory and Appraisal was filed, however bond is insufficient. Notice given by courtroom clerk. Nothing new filed.

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and Appraisal shows value of personal property \$42,411.76 and value of real property of \$430,000.00 with a total value of \$472,411.76. Bond is currently posted at \$58,000. Need additional bond in the amount of \$414,411.76.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
Local rule of court 20-908

RECOMMENDATION

Need copy of bank statements and additional bond. Court may wish to set OSC re:bond.

(cbr/abs)

Future hearing dates: Accounting Review 10/21/08

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SMCRS080406

CASE NAME: SAN ANGELO VS NOVIKOFF

SEE ALSO 6
XREF 700457

HEARING:
Hearing Re: Status.

COUNSEL:
DON SAN ANGELO (SCP)...
NADIA NOVIKOFF OF THE NOVIKOFF(SCD)...
NOVIKOFF TRUST ()...

No notes – status.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPASS5015

CASE NAME: ESTATE OF PAUL ZIEGLER

HEARING:
Probate status report filed.

COUNSEL:

RICHARD N LARSEN	(PET)...	HORSPOOL & PARKER
PAUL ZIEGLER	(DEC)...	
W C COX AND COMPANY	(PET)...	LAYNE A BARTHOLOMEW
RICHARD LAQUE SR	(PET)...	MARK J. A. FLORY
RUDOLPH W. ZIEGLER III	(TP)...	E. JOAN NELMS

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status report filed

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 10/16/06.
2. The estate is not yet in a condition to be closed. There is a pending litigation in the estate that has not been resolved. Petitioner requests an additional year to close the estate.

RECOMMENDATION

Court may wish to set hearing for Accounting Review/and or status report for 06/09/09.

(cbr/abs)

Future hearing dates:

08/07/08 Readiness and Petition to determine interest

08/11/08 Trial and Petition to determine interest

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS04730

CASE NAME: ESTATE OF WALLACE F. POWELL

SEE ALSO 27

HEARING:
Accounting Review

COUNSEL:

MARTIN E. KELLER	(PET)...MARTIN E KELLER
WALLACE F. POWELL	(DEC)...
WILLIAM J BRUNICK	(TP)...BRUNICK BATTERSBY MCELHANEY &
WALLACE F POWELL	(MARC W INGERSOLL)...MARC W IN

GENERAL INFORMATION:

On 6/22/06 readiness calendar, court noted that issues have been resolved and an 8/25/06 accounting review was set. Unclear whether court was to revisit old accounting on file or if petitioner to file new accounting by this date. Old notes for prior accounting are set forth below for informational purposes.

This case is set for hearing on Accounting Review.

Related matter next page, spouse's estate

Continued several (ten) times and last from 05/01/08 at request of counsel. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file notice of hearing on beneficiary and upon special notice (Brunick).
2. Sole heir for both estates (Wallace and Lorraine) is Harold Humphrey (nephew), as neither decedent survived the other as outlined in the wills.
3. Never filed the financial statements with the I & A. Must file now.
4. Need to explain the discrepancy between the first I & A and the "Final".
5. Attorney Keller, in pro per as the executor, is requesting his statutory commission of \$14,517.63. Need to have the I & A difference explained

prior to granting the commission request. [Under PC 10804, a personal representative who is an attorney can only receive the compensation as a representative. Any fees as an attorney must be approved in advance and must be to the advantage, benefit and best interests of the decedent's estate.]

6. Unclear whether the request for statutory commissions is correct. It should be based upon the I & A value of estate, plus gains over the appraisal value on sales, plus receipts, less losses from the appraised value on sales. The accounting does not include all of these schedules. Also, the "Receipts" schedule is not accurate for purposes of calculating value of estate, since it includes the net proceeds from the sale of the house (which would be calculated as to the gain/loss on sales price). Need to file appropriate schedules, per statute.
7. What is a schedule for "Reduction" of assets? "Reduction" is not a term used in PC 1061. Instead, supposed to be reporting the losses on sale or other disposition. Need to correct.
8. Petition filed by Keller, in pro per, on 3-20-02. Substitution of Attorney to Brunick on 5-9-02. Letters/order under Keller, pro per. No further activity in file until 6-20-03, when Keller filed a Petition for Orders relating to the estate. On that date, substitution of attorney was filed, back to Keller in pro per. Petitioner is requesting that Brunick be paid \$2500 in fees. Question here: no pleadings were filed by Brunick. The estate petition was filed by Keller in pro per. There are no estate pleadings filed by Brunick. What statutory services did Brunick render? Need verified supplement as to the basis for paying \$2500 to Brunick. What statutory services provided?
9. Disbursements mix the expenses of estate of Wallace Powell with the expenses of Lorraine Powell. It has been suggested that the disbursements be split evenly. JTD
10. Questions re: disbursements:
 - a. Who is Phil Habell Why paid \$1548.45? and then later amounts?
 - b. What was Harold Humphrey given money for?
 - c. Who is Benito Mora?
 - d. Luis Baeza?
 - e. Miguel Mateo?
 - f. What happened to the \$7850 in cash taken by executor? Need verified supplement to explain all of these issues.
8. Questions re: receipts:
 - a. Why was the 2001 Honda Civic sold to Mariah Humphrey for \$1?
 - b. Disparity in accounting from Lorraine, which lists all receipts in joint form. Does not list the Pacific Life Insurance Company receipt. The receipt from Wallace's estate lists that entry. Explain. This also affects the amount of assets on hand as reported in the two estates. Need verified supplement to explain these issues.
11. Need to report actions taken under IAEA power, such as sales of property. Need to indicate loss/gain on sale of real property, and as to all assets. For example, what happened to the coins? The jewelry? The gun? The

household furnishings? No indication that these items of personal property were sold, but they do not appear on the list of property currently on hand. What happened to them? File verified supplement.

12. What happened to all the bank accounts? What about cash? The Treasury Direct Account? File verified supplement.
13. What happened to the Harold Humphrey promissory note? File verified supplement.

RECOMMENDATION:

Need to clarify whether new accounting will be filed or whether proceeding on prior accounting (in which case, need to clear notes as set forth above).

(/gls/cbr/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS04731

CASE NAME: ESTATE OF LORRAINE B. POWELL

SEE ALSO 26

HEARING:
Accounting Review

COUNSEL:

MARTIN E. KELLER	(PET)...	MARTIN E KELLER
LORRAINE B. POWELL	(DEC)...	
WILLIAM J BRUNICK	(TP)...	BRUNICK BATTERSBY MCELHANEY &

See prior notes (matter 14) – same issues in both cases as husband/wife estates.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05749

CASE NAME: ESTATE OF JACK ROBERT ASH

SEE ALSO 29

HEARING:
Hearing re Final Discharge

COUNSEL:

APRIL BRUNT	(PET)...	BANKS AND STRATHMAN ATTORNEYS
JACK ROBERT ASH	(DEC)...	
JAMES B CHURCH	(TP)...	
LYNETTE GRAHAM	(ROBERT J SPITZ)...ROBERT J

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or ex parte petition for final discharge and order have been filed.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05749

CASE NAME: ESTATE OF JACK ROBERT ASH

SEE ALSO 28

HEARING:

Petition for INSTRUCTIONS RE DISTRIBUTION

COUNSEL:

APRIL BRUNT	(PET)...	BANKS AND STRATHMAN ATTORNEYS
JACK ROBERT ASH	(DEC)...	
JAMES B CHURCH	(TP)...	
LYNETTE GRAHAM	(ROBERT J SPITZ)...ROBERT J

GENERAL INFORMATION:

Continued from 12/27/07 and 3/3/08 at request of April Brunt, as she objects to the order for final distribution of the estate. Nothing new filed except a notice of continuance.

Continued from 04/15/08 at the request of April Brunt. April Brunt called the courtroom and stated she was in the hospital due to complications from surgery. April was directed to speak to her counsel. At the hearing Attorney Garcia expressed concern about the repeated occurrence. Court continued matter for April Brunt to be present. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Instructions re Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. The Order for Final Distribution was granted on 5/1/07 whereby Alice Brunt (who is decedent's ex-spouse) received as Custodian under UTMA (Uniform Transfers to Minors Act) certain cash assets for the benefit of decedent and Alice Brunt's minor children. Between the time of the filing of the first and final account and the entry of the order, the attorney received a letter from Wells Fargo Bank concerning purported payments made on the house. Counsel alleges that the letter was not accepted as genuine. Additionally, Ms. Brunt submitted certain receipts for cash deposits alleged to be payments on the house. Counsel alleges the receipts were not accepted as proof of house payments. Petitioner alleges Ms. Brunt is not pleased with the distribution of

the estate believing she should receive more based on her alleged house payments made. Additionally, Ms. Brunt has not yet established the UTMA accounts for the benefit of minors. Petitioner requests that the Court modify its Order for Final Distribution to require minors' distributions to be held by a third party and placed in blocked accounts. Alternatively, the distributions could be made to the County Treasurer for the benefit of minors.

2. No objections filed at the time of the review of this filed.

RECOMMENDATION:

Court's discretion.

(/cbr/gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06959

CASE NAME: MTR OF MARIA GUADALUPE FIGUEROA

SEE ALSO 31

HEARING:

Petition for determination of felonious and intentional killing of decedent

COUNSEL:

GABRIEL HERNANDEZ (PET)...YOUNG HENRIE HUMPHRIES & MASON
MARIA GUADALUPE FIGUEROA (DEC)...
VICTIM COMPENSATION & GOVERNMENT(TP)...

GENERAL INFORMATION:

Continued from 3/6/08. Court indicated that it was not comfortable making a finding based only upon the preliminary hearing transcript. Evidentiary hearing ordered at next hearing per Pr.C. 254(b) - 10 minute estimate.

THIS CASE IS SET FOR HEARING ON Petition for determination of felonious and intentional killing of decedent

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the administrator of the estate. Petitioner alleges that decedent died from gun shot wounds inflicted by her estranged husband, Humberto Figueroa, who is currently being held at the West Valley Detention Center. H. Figueroa was to go to trial for the alleged murder on 8/7/07 but the trial has been continued at least two occasions and is not scheduled to go to trial until the first quarter of 2008. Petitioner requests the court to make a finding under Pr.C. §254(b) that in the absence of a final judgment of conviction of felonious and intentional killing, the court may determine by a preponderance of evidence whether the killing was felonious and intentional. Petitioner attached the reporter's transcript of a preliminary hearing in FVS-026283, which reflects the direct testimony of Monica Figueroa, eye witness to the killing of her mother by her father on 2/17/06 (pages 22-25 of the transcript). Petitioner believes that based upon the reporter's transcript, the

court should have sufficient evidence to render a finding that Humberto Figueroa feloniously and intentionally killed decedent and is not entitled to inherit any of the decedent's property.

2. Court may wish to review next matter. On 12/13/07, court deemed Humberto Figueroa's letter as an objection.

RECOMMENDATION:

Court's discretion.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06959

CASE NAME: MTR OF MARIA GUADALUPE FIGUEROA

SEE ALSO 30

HEARING:
Accounting Review

COUNSEL:

GABRIEL HERNANDEZ (PET)...YOUNG HENRIE HUMPHRIES & MASON
MARIA GUADALUPE FIGUEROA (DEC)...
VICTIM COMPENSATION & GOVERNMENT(TP)...

GENERAL INFORMATION:

Continued from 8/2/07 and 12/13/07. On 12/13/07, court deemed letter by Humberto Figueroa as an objection.

Continued from 3/6/08. Court again noted that letter from Humberto Figueroa is deemed an objection and not a Pr.C. 850 petition.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting and/or status report is filed.
2. Note: Humberto Figueroa, surviving spouse of decedent, has written the court (see left side of file) alleging he is entitled to a portion of the estate as he contributed financially towards the purchase of the home and other personal property. Does court wish to consider this as an Pr.C. §850 petition? or alternatively, an objection to the inventory/final distribution?
Court deemed as an objection on multiple occasions.

RECOMMENDATION:

Court's discretion.

Future hearing dates: Petition for determination of felonious and intentional killing of decedent 1/3/08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PUBLIC GUARDIAN

DATE: 06/03/08 TIME: 10:00 DEPT: E1

CASE #: SC SS02783

CASE NAME: MATTER OF MATTIE E PHILLIPS

HEARING:
Hearing re Final Discharge

	COUNSEL:
PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL - SAN BERNARDIN
MATTIE E PHILLIPS	(CEP)...LENITA A SKORETZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First and final conservatorship accounting approved 5/29/07. (It was noted in the probate notes for the final accounting that over \$267,000 had already been distributed to conservatee's probate estate without court approval.)
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:00 DEPT: E1

CASE #: SLCSS02691

CASE NAME: MTR OF ROBERT OSBORNE

HEARING:
Hearing re Final Discharge

COUNSEL:
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL
ROBERT OSBORNE (CEP)...HARTNELL HORSPPOOL & FOX

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final and final conservatorship accounting approved 5/29/07.
2. Need receipts and petition for final discharge.
3. **PG file. Set for a Monday if continued.**

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH CONSERVATORSHIPS

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800113

CASE NAME: DOTOTHY G. WEHRHEIM

HEARING:

Petition for Appointment of Conservator

COUNSEL:

TERRY W. WEIR (PCR)...HOWARD R HAWKINS
DOROTHY G. WEHRHEIM (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$200,000 bond based upon estate value of same. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000, a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. Suggest \$220,000 bond.
2. Petitioner requests medical powers. Need medical capacity declaration.
3. Petitioner alleges at section 5c(1) that proposed conservatee suffers from "dementia and senility" yet dementia powers are not requested. Suggest court inquire.
4. Petitioner did not complete section 8 of petition re whether proposed conservatee will attend hearing. Need verified supplement.
5. Need appearance by proposed conservatee or return of citation and basis for nonappearance.
6. Need CI report.
7. Need notice of proposed conservatee's rights and proof of service.

RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: MC MS00122

CASE NAME: Conservatorship of EDITH W. TODD & CLARENCE TODD

HEARING:
Accounting Review

COUNSEL:
MARTHA LUCRECIA TODD (PET)...IGNAZIO FICARA
EDITH W. TODD (CEP)...
CLARENCE C. TODD (CEP)...

GENERAL INFORMATION:
Third Accounting is due for the period: 1/12/06 – 1/12/08
Continued from 4/15/08 to file accounting. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00461

CASE NAME: DAVID F UTTZ

HEARING:

Hearing Re: Granting of medical powers.

COUNSEL:

PHILLIP N UTTZ	(PET)...PRO/PER	
DAVID F UTTZ SR	(PCE)...DONNASUE SMITH-ORTIZ	
DAVID F UTTZ JR	(PET)...MAUREEN MURATORE	
DAVID F UTTZ SR	(OBJ)...	
DELFINA UTTZ	(DAVID LYNN)...DAVID LYN
DAVID LYNN	(DAVID LYNN)...DAVID LYN

GENERAL INFORMATION:

Letters of Conservatorship (person only) issued to David Uttz, Jr. issued 3/5/08

Continued from 4/15/08. Court excused Dr. Newandee from testifying and found that proposed conservatee does not have capacity. Court appointed Dr. Sawicky to complete medical capacity declaration.

THIS CASE IS SET FOR HEARING ON re Return of Citation for the Doctor

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order appointing conservator did not include medical powers. Court noted medical powers would not be granted until the capacity declaration or examination by the doctor. Minute Order dated 3/4/08 notes Attorney Donnasue Smith-Ortiz was to cite the doctor to be present in court.
2. Return of Citation filed and Dr. Newandee was personally served on 3/18/08.
Dr. Excused. Need medical capacity declaration of Dr. Sawicky per 4/15/08 court order.

RECOMMENDATION:

Need medical capacity declaration.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00497

CASE NAME: JOAN KAY LLEWELYN

HEARING:
Accounting Review

COUNSEL:

JOAN KAY LLEWELLYN	(PET)...ELIZABETH MCDONOUGH
JAMES KENT JACKMAN	(PCR)...PRO/PER
JOAN KAY LLEWELLYN	(PCE)...

GENERAL INFORMATION

**Continued from 1-29-08 at request of counsel to file accounting. Nothing new filed.
Continued from 4/1/08 at request of counsel – client is not providing information to
prepare the accounting. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. 1st account current was approved on 6/27/06. 2nd account now due covering the period of 10/19/05 – 10/18/07.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. There is no bonding company to notice

(KRA/NMT/abs).

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03007

CASE NAME: MTR OF NINA BELL RAMEY

HEARING:
Hearing re Final Discharge

COUNSEL:
NINA BELL RAMEY (CEP)...EDWARD B FISCHER
PATRICIA CASTANON (SC)...PRO/PER
BELLA VISTA HEALTHCARE CENTER (TP)...SHELLEY M GOULD

GENERAL INFORMATION:
Continued from 4/15/08. No appearance. Clerk gave notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Report was granted on 3/19/07. However, no proposed order has been submitted.
2. Need to file proposed order settling final report.
3. Need to file receipts and submit final discharge.

RECOMMENDATION:
When receipts or final discharge order are not filed as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 06/03/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00543

CASE NAME: MATTER OF ULRYC L WILLIAMSON

X REF PRO0600342

HEARING:
Probate status report filed.

COUNSEL:
GARY WILLIAMSON (PET)...PRO/PER
ULRYC L WILLIAMSON (CPE)...
KIMBERLY STOCKS (PET)...PRO/PER

GENERAL INFORMATION: continued from 8/15/07
Continued from 8-29-07 and 10/2/07. Attorney Lenita Skoretz to file an accounting.
Nothing new filed.
Continued from 12-11-07 for counsel to file written report. Nothing new filed.
Continued from 2-19-08. At the time 2-19 hearing no one appeared. Clerk gave notice of continuance to counsel of record. Nothing new filed.
Continued from 04/08/08. Oral report given by Lenita Skoretz. Accounting to be filed by same for Fary Williamson. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Status Report of Kimberly Stocks and Petition for a Determination that she has no responsibility in this matter and for compensation

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Conservatee died on 1/23/07.
2. Petitioner was appointed general conservator by this court on 11/14/06. However, petitioner alleges that due to the delays in the processing of the paperwork, Letters never issued and the conservatee subsequently died. As letters of conservatorship did not issue, petitioner did not take control or possession of any assets of the conservatee. Petitioner requests that she be discharged from further responsibility, that the prior temporary conservator Gary Williamson be ordered to forthwith file an accounting and

that court order compensation for the reporting party and her attorney for the services rendered. Need verified supplement setting forth an itemization of time spent, hourly rate and service provided by both petitioner and petitioner's counsel.

3. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice. Court may wish to set an accounting review for an accounting by the temporary conservator, Gary Williamson, to cover the period 8/29/06-current date. Accounting to be filed 30 days in advance of the hearing date.

(NMT/cbr/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN PROBATE

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600078

CASE NAME: MTR OF JOSHUA HERBERT BONNER JR

SEE ALSO 2

HEARING:
Accounting Review

COUNSEL:

ELAINE BONNER-TOMPKINS (PET)...PAMELA LEGGETT COOKE
JOSHUA HERBERT BONNER JR (DEC)...
HELEN ESTHER BONNER (PET)...DAVID & TURNER
HELEN ESTHER BONNER (OBJ)...DAVID & TURNER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON
Accounting Review and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued on 11/20/07, Limited Authority \$20,000 bond.
2. No accounting and/or status report has been filed.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk may notice bond company.

(cbr/abs)

Superior Court of Calif, County of San Bernardino

Page: 2

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600078

CASE NAME: MTR OF JOSHUA HERBERT BONNER JR

SEE ALSO 1

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

ELAINE BONNER-TOMPKINS (PET)...PAMELA LEGGETT COOKE

JOSHUA HERBERT BONNER JR (DEC)...

HELEN ESTHER BONNER (PET)...DAVID & TURNER

HELEN ESTHER BONNER (OBJ)...DAVID & TURNER

Address	21193 Little Beaver Road, Apple Valley, CA 92308
Appraised value	\$250,000.00 Date of death is 10/6/06 and therefore original I&A has a value that is too old. Need appraisal of value note more than one year old.
Sale price	\$225,000.00 (90%, but need to recheck when Reappraisal for Sale I&A is filed)
First overbid	\$236,750.00
Deposit	\$7,500. Insufficient. Must be 10% (\$22,500) absent special circumstances. Local Rule 20-908(a).
Commission	3% to Coldwell Banker greater Valleys, \$6,750.00 and 3% All American Real Estate Company 6,750.00
Additional bond	Additional bond to be posted is \$135,000.
Reason for sale	To pay debts, administration expenses and taxes. The sale is to the advantage of the estate.
Exposure to market	MLS and sale was published in the newspaper.
Notice	Need notice of hearing and proof of service. (Publication ok.)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600224

CASE NAME: MTR OF JOSEPH P O'BRIEN

HEARING:
Accounting Review

	COUNSEL:
LINDA MAXWELL	(PET)...ELISABETH KEMPE-OLINGER
JOSEPH P O'BRIEN	(DEC)...
KATHLEEN O'BRIEN	(TP)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from 04/22/08 at request of counsel Kempe-Olinger. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. Clerk will have to notice bonding company.

(NMT/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700036

CASE NAME: MTR OF ARNOLD VELARDE

HEARING:
Accounting Review

	COUNSEL:
MARY R VELARDE	(PET)...GREGORY L ZUMBRUNN
ARNOLD VELARDE	(DEC)...
ROSIE VELARDE	(TP)...CALDWELL, KENNEDY & PORTER, A.

No file available for review

FILE OUT 5/28

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700662

CASE NAME: LORETHA I JOHNSON

HEARING:
Accounting Review

COUNSEL:

DELILAH JOHNSON	(PET)...PRO/PER
LORETHA I JOHNSON	(DEC)...
JENI JOHNSON	(PET)...JAMES B CHURCH
MARZJAH Q ESTHER	(MIN)...DUANE P BOOTH
NIZJAH L ESTHER	(MIN)...DUANE P BOOTH
OASZJUREE R MOORE	(MIN)...DUANE P BOOTH
GERMAINE MOORE JR	(MIN)...DUANE P BOOTH
ILAY M MOORE	(MIN)...DUANE P BOOTH

No file available for review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700960

CASE NAME: ELIZABETH ANNE TAYLOR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID F TAYLOR (PET)...GUAY P WILSON
ELIZABETH ANNE TAYLOR (DEC)...
SUSAN VANCE TAYLOR (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued on 11/20/07, Full authority, no bond.
2. No Inventory and Appraisal filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. No bond company to notice.

(cbr)

Future hearing dates: Accounting Review 01/27/09

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700970

CASE NAME: CHRISTINE KATHERINE KOOIMAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

NORMA L DEDOES (PET)...BRUNICK MCELHANEY & BECKETT
CHRISTINE KATHERINE KOOIMAN (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and Appraisal filed.
2. Department of Health Services requested special notice prior to the filing of the Inventory and Appraisal. Need to send copy of Inventory and Appraisal to Department of Health Services per Pr. C. § 8803.
3. Statement re Bond is not signed by the attorney. Need corrected inventory. Alternatively, does court wish to allow attorney to interlineate? Judge to decide

RECOMMENDATION

Need to clear notes 2&3.

(cbr)

Future hearing dates: Accounting Review 01/27/08

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700974

CASE NAME: CHARLES FERRELL

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
OLIVIA FERRELL	(PET)...PRO/PER
CHARLES FERRELL	(DEC)...

VACATED – FINAL I&A FILED.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800170

CASE NAME: HARLAN WHITFIELD

HEARING:

Petition for Probate, Letters of Tstmnty with full authority under IAEA.

COUNSEL:

REBECCA ANNE GODFREY (PET)...IGNAZIO
HARLAN WHITFIELD DAVENPORT (DEC)...
ERIC WHITFIELD DAVENPORT (OBJ)...ALLEN A FALSETTI

GENERAL INFORMATION:

Continued from 4/15/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond. However, petitioner is an Iowa resident and court has discretion to require bond per Pr.C. 8571. Estimated value of the estate is \$103,000. Does court wish to require minimum bond (\$20,000) or full bond (\$103,000).
2. **Objections filed by son on basis petitioner is not decedent' daughter as claimed, objector was not listed as heir, objector is an omitted child under the will and therefore entitled to take, and suspicious circumstances surrounding will. Objector also requests a determination of who is entitled to distribution.**

RECOMMENDATION:

Set for contested hearing.
(gl/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800408

CASE NAME: MTR OF BEAU MENESES BUENSUCESSO

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

TERESITA B MOORE (PET)...ROGER VON KAESBORG
BEAU MENESES BUENSUCESO (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests no bond on basis heirs waive bon. Only petitioner and one brother have waived bond. Need waivers for five other heirs. Alternatively, suggest \$300,000 bond.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set hearing re Inventory & Appraisal for 1/6/09. Set accounting/status review for 8/11/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02428

CASE NAME: ESTATE OF DORIS SCHULTZ

HEARING:
Hearing Re: Receipts and Final Discharge.

	COUNSEL:
DORIS SCHULTZ	(PET)...WILKINSON & WILKINSON
HEIDI M WALTMAN	(TEE)...PRO/PER
JANICE WINEKE	(PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second and final account approved 5/29/07. Order entered 8/28/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS03016

CASE NAME: LOUISE ROSELLA MATE

HEARING:

FIRST Account and Report of ROBERT L MATE and Petition for fees

COUNSEL:

ROBERT L MATE (PET)...MICHAEL J OBRIEN
LOUISE ROSELLA MATE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Title of document does not list all relief requested (titled as a first account only without reference to the fact that it is a first and final account and a request for fees and final distribution). Does court wish to require correction?
2. Letters testamentary issued 3/23/07.
3. Addressing the proposed distribution, petitioner states only that "Under he provisions of the Probate Code, the estate should be distributed in equal shares to of [sic] the decedents [sic] heirs." Issues:
 - a. Need verified supplement specifying proposed distribution and proof of service. Proposed distributions must specifically state who is to receive what share of distribution (otherwise resulting order would be meaningless).
 - b. Decedent died testate and letters testamentary were issued in this case. Distribution to heirs equally would not be appropriate. If petitioner is seeking proposed distribution to beneficiaries named in decedents' will then need basis for the proposed distribution (statement or quotation of bequests in will).
 - c. Because real property is to be distributed, names and addresses need to be established because the order on this petition will need to contain the names and addresses of the distributees.

4. Petitioner states that the estate real property is listed for sale. Does petitioner intend to distribute the property in kind to the two heirs, for sale to be conducted later with them as the sellers? If not, then estate is not ready to close. Need verified supplement clarifying.
5. Petition is not verified as requested. Need verification by administrator.
6. Need Proposed Order.

RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: SPASS5016

CASE NAME: ESTATE OF REINMAR WECK

HEARING:
Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
REINMAR WECK (DEC)...

Address: 1130 E. 28th Street, San Bernardino, CA

Appraised Value: \$180,000 (reappraisal for sale 3/17/08)

Sale Price: \$162,000 (90%)

First Overbid: \$170,600

Deposit: \$1,000 (VA loan. Deposit must be 10% absent special circumstances
such as FHA or VA loan per Local Rule 20-807(a). JTD.

Commission: (4%)

Additional Bond: None

Reason for Sale: Necessary to pay debts and expenses of administration

Market Exposure: Listing/MLS

Notice: Ok (including publication)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS04040

CASE NAME: EST OF GLADYS M SNOW

HEARING:
Accounting Review

	COUNSEL:
JANET M VICKERS	(PET)...GRESHAM SAVAGE NOLAN & TILDEN
JAMES L SNOW	(PET)...GRESHAM SAVAGE NOLAN & TILDEN
GLADYS M SNOW	(DEC)...

GENERAL INFORMATION:
Continued from 12-4-07. Nothing new filed.
Continued from 2-5-08. Nothing new filed.
Continued from 4/29/08 at request of counsel to file status report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Probate petition granted 12/8/00, no bond required.
2. On 7/31/07 court approved a Status Report as petitioner stated that tax returns and amended tax returns have been filed but that returns are being audited by the IRS and no tax clearance has been achieved.
3. No accounting or status report of administration filed.

RECOMMENDATION:
When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. There is no bonding company to notice.

KRA/NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05028

CASE NAME: EST OF LANCE LEWIS JOHNSON

HEARING:
Hearing Re: Status.

COUNSEL:

KATHLEEN IRVING JOHNSON (PET)...DAVERT & LOE, LAWYERS
LANCE LEWIS JOHNSON (DEC)...
CALIFORNIA PUBLIC UTILITIES CO(TP)...CLEVELAND W LEE
JOHN W RICHARDSON (PRO/PER)...PRO/PER
JOHN W RICHARDSON (MICHAEL)...MICHAEL

GENERAL INFORMATION:

On 11/29/07, court issued Citation to David Loe and Kathleen Johnson as failing to appear and/or filing an accounting or status report.

Continued from 1/17/08: Oral report given by counsel. Court accepts counsel's declaration re: response to citation. Counsel advises 1 asset remains. Receiver is to provide status report. All parties to appear personally or by phone/videoconference. Court requests all volumes of the file for next hearing.

Continued from 3//08 at request of counsel. Nothing new filed.

Continued from 4/21/08 at request of counsel who reported that the sale of real property has stalled.

THIS CASE IS SET FOR HEARING ON Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.
2. Citation personally served 12/31/07. (And appearances made 4/21/08.)

RECOMMENDATION:

Court's discretion.

(gls/kra/kra/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN CONSERVATORSHIPS

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600074

CASE NAME: MTR OF GERALDEAN JEANETTE NEHER

HEARING:

FIRST / CURRENT Account and Report of JULIE G NEHER and Petition for fees

COUNSEL:

JULIE G NEHER (CPE)...BUXBAUM & CHAKMAK
GERALDEAN JEANETTE NEHER (CEP)...MAUREEN MURATORE

GENERAL INFORMATION

Accounting period covers 3-6-07 through 1-31-08

Assets: \$266,285.87 cash

\$90,000 non liquid personal property.

Continued from 4/29/08. Attorney informs the court of error on face page of I&A noting it should reflect \$413,855. Counsel to provide statements on notes 2 & 3. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests authority to pay attorney \$4,630 in fees representing 18.30 hours at \$250 per hour. However, 18.3 times \$250 equals \$4,575, not \$4,630 as requested. **Court approves attorney's fees on 4/29/08.**
2. We have a statement from PFF Bank concerning the value of the assets, however, it is not verified. If petitioner wishes to submit a bank letter in lieu bank statement (although not specifically allowed in Pr.C. § 2620(c)), it must be verified under penalty of perjury.
3. As this is the first accounting we must also have account statements showing account balance immediately preceding the date Conservator was appointed. (Pr.C. § 2620(c)(2))
4. Petitioner requests that bond be reduced based on the current value of the liquid assets. Petitioner excludes what she refers to as real property carry value items. However, those items are mobile homes valued at \$90,000. A mobile home is not real property, it is personal property. Personal property must be bonded. Annual

income must also be included. This would include social security and pension, as well as the interest income counted by the petitioner. To this figure we must add the 10% collection fee called for in California Rule of Court, rule 7.207. It would therefore appear that the bond should be increased to \$417,500 rather than reduced from the current \$345,000.

5. Is the petitioner Conservator waiving fees? File verified supplement.
6. On 10-25-07 there was a \$22 overdraft fee charge. Did court wish to surcharge Conservator for this amount? Judge to decide.
7. On 12-12-07 the petitioner expended \$643.53 for "clothing and supplies for the Conservatee." Did court wish an itemization? Judge to decide.

RECOMMENDATION:

Need correction of notes. If petition granted court will have to set future dates. Set hearing for the next account for 4-13-10, to cover the period of 2-1-08 through 1-31-10. Accounting to be filed 30 days in advance.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800060

CASE NAME: VIRGINIA LEE SLACK

HEARING:
Status Conference

COUNSEL:
MELODIE Z SCOTT (CE)...MICHAEL
VIRGINIA LEE SLACK (CTE)...

No calendar notes – Status Conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800098

CASE NAME: ALFONSO J TRIANA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
AMELIA E TRIANA (CPE)...RONALD W ASK
ALFONSO J TRIANA (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be fixed at \$152,850.30. However, petitioner has not calculated in the bond recovery costs per California Rule of Court 7.207. Thus, bond should be fixed at \$168,135.00. JTD
2. Petitioner requests medical powers. Need to file Medical Capacity Declaration.
3. Petitioner states that she is a nominee. However, need signed nomination.
4. Petitioner alleges proposed conservatee will attend the hearing.
5. Need Court Investigator's report.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for filing of inventory and appraisal and care plan, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for 1/6/09. Set hearing on accounting review for 8/11/09. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800114

CASE NAME: EDDIE JAMES STEPHENS

HEARING:
Petition for Appointment of Conservator

COUNSEL:
KALAUN T. STEPHENS (PCR)...EDWARD E. RIOS
EDDIE JAMES STEPHENS (PCE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be fixed at \$6,000. However, with the estimated value of assets, estimated annual income and bond recovery costs (CRC 7.207), bond should be fixed at \$63,800. JTD
2. Proposed conservatee will attend the hearing.
3. Petitioner states on Attachment 5(c)(2) that proposed conservatee suffers from dementia and needs supervision re medication. However, no dementia powers are requested. If dementia powers are sought, court must appoint counsel for proposed conservatee.
4. Need Court Investigator's report.

RECOMMENDATION:

Need Court Investigator's report. If approved, set hearing for filing of inventory and appraisal and care plan, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1850, 2352 and 2610 for 1/6/09. Set hearing on accounting review for 8/11/09. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00170

CASE NAME: IN THE MATTER OF TIMOTHY ERIC JOHNSON

HEARING:
Accounting Review

COUNSEL:
DONALD JOHNSON (PET)...ALTHOUSE & MCDONOUGH
JESSIE JOHNSON (PET)...ALTHOUSE & MCDONOUGH
TIMOTHY ERIC JOHNSON (PCE)...

GENERAL INFORMATION:
Third Accounting due for the period: 3/1/07 – 2/29/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00386

CASE NAME: ELIZABETH ANDERSON

HEARING:

Hearing Re: STATUS RE: POSSIBLE TERMINATION OF CONSERVATORSHIP.

COUNSEL:

LINDA ANDERSON	(PET)...	CHRISTOPHER A POULOS
LINDA ANDERSON	(PCR)...	CHRISTOPHER A POULOS
KENT ANDERSON	(PCR)...	CHRISTOPHER A POULOS
ELIZABETH ANDERSON	(PCE)...	WALTER T. MOORE

GENERAL INFORMATION

Continued from 11-27-07. Nothing new filed.

Continued from 1-29-08. At time of hearing Mr. Moore gave oral report and apparently objects to parents being Conservators. Nothing new filed.

Last continued from 4/15/08. Atty Moore agrees with the CI's observations re conservatee's parents as conservator. Conservatee is objecting to the conservatorship. Atty Moore requests that PG be appointed successor. Court orders notice to PG to determine if PG will accept appointment.

THIS CASE IS SET FOR HEARING ON Petition to terminate conservatorship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter was set after review of the biennial Court Investigator report. Do not see that appointed counsel has filed the petition.
2. Court ordered Mr. Moore to give notice of this hearing. Do not see notice in file.
3. Court to inquire whether PG will serve as successor conservator. If so, court may wish to order PG to file the proper petition for their successor appointment.

RECOMMENDATION:

Determine status.

FUTURE HEARINGS CURRENTLY SET: 7-15-08 for accounting review.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00484

CASE NAME: FRANCES SANDOVAL

HEARING:
Accounting Review

	COUNSEL:
GEORGE GARCIA	(PET)...CHRISTINA FERRANTE
DEBRA LOPEZ	(PET)...CHRISTINA FERRANTE
FRANCES SANDOVAL	(PCE)...

GENERAL INFORMATION

Continued from 4/15/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. There is no bonding company to notice.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00522

CASE NAME: BRITTANY D HERLONG

HEARING:
Accounting Review

COUNSEL:
HAROLD D HERLONG (PET)...MARC L SAMSON
BRITTANY D HERLONG (PCE)...MAUREEN MURATORE

GENERAL INFORMATION

Continued numerous times from 6-6-06 and last from 3/18/08. Attorney Samson apologizes to the court and indicates that no fees will be sought because of the delay. The court grants one final continuance for the filing of the accounting and will impose sanctions for failure to comply and file an accounting by 5/2/08.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. Clerk will have to notice bonding company.
(/gls – file reviewed 5/14/08)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00594

CASE NAME: DONALD BALDWIN DEVOE

HEARING:
Accounting Review

COUNSEL:
MICHELLE ROLDAN (PET)...CHRISTINA FERRANTE
DONALD BALDWIN DEVOE (CEE)...

GENERAL INFORMATION Continued from 12-4-07. Clerk office to notice bonding company. Notice given. Nothing new filed.

Continued from 02-19-08 at request of counsel who informed court that conservatee is deceased (DOD: 01-13-08). Need final accounting. Nothing new filed.

Continued from 3/25/08 at request of counsel to file accounting. Nothing new filed.

Last continued from 4/15/08 at request of counsel. Counsel indicates conservatorship is waiting for accounting from trust monies in Nevada. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 10/3/06, \$122,800 bond.
2. No accounting filed. Need same.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk will have to notice bonding company.

(/vet/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02412

CASE NAME: MTR OF JAIME B. AGUILAR

HEARING:

Petition for TITLE TO REAL PROPERTY; PETITION FOR SUBSTITUTED
JUDGMENT TO MAKE A GIFT

COUNSEL:

ROSA D. AGUILAR (CPE)...PRO/PER
JAIME B. AGUILAR (CEP)...JUDITH RUNYON
ROSA D AGUILAR (SC)...PRO/PER
CONSUELO AGUILAR RODRIGUEZ (SC)...JAMES B CHURCH

GENERAL INFORMATION

Continued from 11/6/07 for both counsel to address issues of proposals re tax and maintenance should the parents be added on as joint tenants.

Continued from 1-18-08. Court noted service problem in note 7. Court then referred matter to Court Investigator for a report and recommendation. We are awaiting report.

Continued from 3/18/08. Court notes CI report filed.

Last continued from 4/29/08. Counsel and parties agree that house needs to be transferred to conservatee's name and as part of estate planning, designate that the house is to be left to the parents. Court continues matter so that a Spanish Interpreter can be present to interpret for the parties. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to title to real property (Pr.C. 850) and for substituted judgment to make a gift.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee is 30 years old, has been diagnosed with spastic quadriparesis, mental retardation, and mild microcephaly.
2. Conservatee's mother originally was guardian of estate for conservatee when he was a minor. During the guardianship, real property in Rialto, CA was purchased for the then-minor by taking title as "[minor] by [mother guardian], as Guardian ad Litem for [minor]." (See copy of deed as Exhibit A to this petition.) The mother became the original conservator when the minor reached the age of

- majority. In 1/05, mother resigned as conservator and nominated a successor conservator (conservatee's sister). Sister was appointed conservator of person and estate on 1/7/05, \$40,000 bond. She continues to serve.
3. Conservator/sister now brings a two-stage petition. First, she proceeds per Pr.C. 850 to recover the real property that is still titled in the name as mother/prior guardian and put it in her name as conservator. Issues (need verified supplement):
 - a. The petition does not state that the property would be held by the conservator *for the conservatee*, only that it would be in the name of the conservator.
 - b. A conservatee's real property normally is not titled in the name of the conservator or even the conservator on behalf of the conservatee. It is left in the name of the conservatee. Why wouldn't title be taken directly by conservatee?
 4. As stage two of the petition, conservator brings a petition for substituted judgment to add conservatee's parents on title to the real property as joint tenants with rights of survivorship. Petitioner argues that conservatee would want the parents to have the property when he passes. Issues (need verified supplement):
 - a. There is no evidence presented to establish any basis for conservatee's desire to leave the property to his parents.
 - b. Having the parents on title could create severe problems because the property would then be subject to loss via liability of the parents to third parties (e.g., an auto collision), the parents ability to encumber the property up to their (two-thirds) interest in the property, complications re the duties of the parties to maintain the property and pay taxes, etc.
 - c. Petitioner, as sister of conservatee, presumably is daughter of the parents she seeks to put on title. She therefore has a conflict of interest because the purpose of the petition would to allow the property to pass to the parents and petitioner, as daughter of the parents, could eventually stand to inherit the property.
 5. Suggest court appoint CI report investigation and report.
 6. Atty Judith Runyon is appointed counsel for conservatee and was served notice of this petition. Suggest court require report of counsel.
 7. Notice appears proper as to substituted judgment portion of petition. However, as to Pr.C. 850 petition, need proof of service per Pr.C. 851(a) for mother/prior guardian who is currently on title (30 days personal service) or waiver.
 8. CI report filed 2/11/08. At 3/18/08 hearing, court directed clerk to mail copies to counsel for review re home ownership issue and statement made by conservatee.
 9. No opposition filed as of date of review.

RECOMMENDATION

Need to clear notes.

(/GLS/NMT/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 10:30 DEPT: E2

CASE #: SC SS03144

CASE NAME: MTR OF SHIRLEY CHARLTON

HEARING:
Accounting Review

COUNSEL:
KRISTY JOHNSON (CPE)...DUANE P. BOOTH
SHIRLEY CHARLTON (CTE)...MELVIN L FRIEDLAND

GENERAL INFORMATION

Continued from 02/25/08 and 4/28/08 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservator appointed 12/11/06.
2. First accounting is due for the period 12/11/06 – 12/11/07. No accounting is filed.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. Clerk to notice bond company.
(cbr/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN MISC.

DATE: 06/03/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700760

CASE NAME: FRANK SCHEIDT AND DORIS P SCHEIDT FAMILY TRUST

SEE ALSO 28

HEARING:
Mandatory Settlement Conference

	COUNSEL:
FRANK SCHEIDT	(PET)...SHEASBY & MIDDLETON PC
JUDY WHEELER	(OBJ)...ELIZABETH MCDONOUGH
TERRI WESTLUND	()...

No notes – Mandatory Settlement Conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700760

CASE NAME: FRANK SCHEIDT AND DORIS P SCHEIDT FAMILY TRUST

SEE ALSO 27

HEARING:

Petition for REMOVE CO-TRUSTEES AND TO APPT PROFESSIONAL
TRUSTEE, ACCTING, ATTY'S FEES

COUNSEL:

FRANK SCHEIDT	(PET)...	SHEASBY & MIDDLETON PC
JUDY WHEELER	(OBJ)...	ELIZABETH MCDONOUGH
TERRI WESTLUND	()...

GENERAL INFORMATION:

Continued from 9-11-07 to clear notes.

Continued from 10-30-07 to clear notes. Petitioner has now provided copies of
amendments to the trust.

Continued from 10-3-07 for return from mediation.

Continued from 2/19/08 by court and agreement of counsel so that parties may schedule
mediation. Nothing new filed.

**Last continued from 4/7/08. Court orders that MSC briefs be filed 5 days before
MSC. All parties and counsel ordered to be present.**

THIS CASE IS SET FOR HEARING ON Petition to Remove Co-Trustees and to Appoint
Professional Trustee, Accounting and Attorney's fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Frank Scheidt, is the settlor of the Frank Scheidt and Doris P. Scheidt Family Trust dated 5/24/90 as amended. The co-settlor died on 9/3/02/ Frank Scheidt resigned as trustee on 3/14/07 and Judy Rae Wheeler and Terri Jean Westlund accepted trusteeship of the Trust. Petitioner requests Judy and Terri's removal for breach of trust per Pr.C. §15642 as the trustees have failed to act and disclose what is happening with the trust. In addition, petitioner alleges the trustees have failed to distribute reasonable monies from the trust and are withholding income.

- Petitioner would request that upon the removal of the trustees the court appoint a Professional Fiduciary as trustee with bond.
2. Petitioner also requests the court order Judy and Terri to provide an accounting of the trust. In a supplement petitioner sets forth the allegations that would allow the court to order an accounting in accord with Pr.C. § 17200(b)(7).
 3. Local Rule of Court, Rule 20-1502 requires that a copy of the trust must be filed with any petition based on a trust. Petitioner did not file a copy of the trust, however, the response to petition contains a copy of the trust. Petitioner has now filed copies of the amendments to the trust. This would appear to be sufficient to fulfill the intent of the rule of court. Judge to decide if sufficient.
 4. Response filed denying any wrongdoing and demanding an accounting by petitioner of all assets taken by him before he resigned as trustee.

RECOMMENDATION:

Need court's ruling on number 3.

MSC also before the court (see matter 27)

(/kra/gls)